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Public Rights of Way

Register of Highway Act Declarations, Statements and Maps

Guidance for English Local Authorities to
accompany Statutory Instrument No 2334.

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Introduction

1. This guidance is for local authorities who are required to establish registers under section 31A of the HA 1980 (introduced, respectively, by provisions contained in Schedule 6 to the Countryside and Rights of Way Act 2000). Section 31A HA 1980 is reproduced in **Annex 1**.
2. The section 31A HA 1980 register, a register of declarations lodged and maps and statements deposited with local highway authorities under section 31(6) of the HA 1980, will help to increase knowledge among landowners, users of rights of way, and the general public about applications concerning ways which landowners do not intend to dedicate as public rights of way. All surveying authorities in England except those in inner London are required to set up and maintain this register.
3. The National Assembly for Wales commenced section 31A of the HA 1980 on the 15 January 2006.

General Principles

4. The regulations that implement section 31A HA 1980 in England (SI 2334; the “Regulations”) have been prepared in accordance with the principles set out below.
 - **Registers should be flexible** – people will have different reasons for searching the register. For example searches may be undertaken to identify: (i) a particular declaration, (ii) declarations relating to a particular parish, ward or district, or (iii) applications to a particular city, town or village. In setting up this register and search mechanisms, authorities should be aware that, given a reasonable amount of information concerning the location of the declaration or the date of the application. A search may result in information in addition to that being sought, which can then be refined, but should not result in less or no information (unless, of course there is no information to be found).
 - **Registers should impose the minimum burdens on authorities while providing a service to local authorities, users of rights of way, landowners and others.** In addition to the particulars that must be kept on the register under the Regulations, surveying authorities may record on the register such additional information as they consider appropriate. Authorities who have already established a register may adapt it to meet the requirements set out in the Regulations.
 - **Registers should recognise e-government and should be user-friendly.** The register must be accessible on surveying authorities’ websites (or on a website maintained by the authority). A paper copy of the register must be kept at the principal office of each surveying authority.

Section 31A HA 1980: Register of declarations made under section 31(6) of the Highways Act 1980

5. Section 31A of the Highways Act 1980, inserted by paragraph 4 of Schedule 6 to the Countryside and Rights of Way Act 2000, requires authorities to set up a register of declarations lodged and maps and statements deposited under section 31(6) of the 1980 Act.
6. These declarations and statements enable landowners to formally acknowledge public rights of way across their land and, in doing so, create a presumption that they have no intention to dedicate any further routes across their land.
7. In respect of each declaration under 31A of the Act, the register must contain:
 - ✓ A copy of the statement or declaration together with a copy of any map submitted with the application.
 - ✓ A description of the intended effect of the declaration
 - ✓ A description of the geographical location to which the statement or declaration relates.¹
 - ✓ The name and address, including postcode of the landowner who is making the declaration
 - ✓ The date the deposit was received by the surveying authority.
 - ✓ Any unique reference number the authority allocates to the deposit together with the details of the person who is responsible for dealing with the application
 - ✓ The date by when the statutory declaration ceases to have effect for the purposes of section 31(6) of the Highways Act 1980.
8. Authorities must keep their registers in electronic and paper form. The paper version must be kept at the principal office of the surveying authority, where it may be inspected by the public free of charge at all reasonable hours. Copies of the paper version of the register can be distributed around the local authority's area. Authorities must make the electronic version of the register available for inspection by the public on a website maintained by the authority. They must also make provision to enable the electronic version of the register to be inspected at the principal office of the authority.

¹ Which is to be identified by reference to (i) the Ordnance Survey six-figure grid reference in respect of each of the area, or, where the area is already recorded on the relevant definitive map, (ii) the address (including postcode) of any property on which the area lies, (iii) the names of the principal cities, towns and villages nearest to the area, and (iv) the parish, ward or district in which the area lies.

9. The register may be kept in parts so that each part relates to land within a particular parish, ward or district. However, as set out in the paragraph immediately above, the paper version of the register must be kept at the principal office of the surveying authority.

10. Authorities must keep the register in such manner as is suitable to enable a copy of any of the particulars contained in the register to be taken by or for any person who requests a copy in person at the principal office of the surveying authority. Authorities may make a reasonable charge in respect of such copies.

11. Authorities should put in place checks to ensure that register entries are correct. Both electronic and paper forms should be identical but if a discrepancy does occur, the paper form takes precedence over the electronic form. If an error is identified, authorities should amend the register if they are satisfied that the error is a material error.

Annex 1 Terms of Legislation

2. The section 31A register

Schedule 6 para 4 (s.31A Highways Act 1980): register of maps, statements and declarations made under s.31 (6)

31A.- (1) The appropriate council shall keep, in such manner as may be prescribed, a register containing such information as may be prescribed with respect to maps and statements deposited and declarations lodged with that council under section 31(6) above.

(2) Regulations may make provision for the register to be kept in two or more parts, each part containing such information as may be prescribed with respect to such maps, statements and declarations.

(3) Regulations may make provision as to circumstances in which an entry relating to a map, statement or declaration, or anything related to it, is to be removed from the register or from any part of it.

(4) Every register kept under this section shall be available for inspection free of charge at all reasonable hours.

(5) In this section –

“appropriate council” has the same meaning as in section 31(6) above (i.e. council of a county, metropolitan district or London borough in which the land is situated or, where the land is situated in the City, the Common Council).

“prescribed” means prescribed by regulations;

“regulation“ means regulations made by the Secretary of State.